



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

SMITH & HOPEN PA
15950 BAY VISTA DRIVE
SUITE 220
CLEARWATER FL 33760

In re Application of:
Israel Morejon et al
Application No. 10/064,570
Filed: July 26, 2002
For: **SYMMETRIC SPERICAL QAM
CONSTELLATION**

MAILED Paper No. 8

FEB 28 2003

Technology Center 2600

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition for reconsideration filed December 19, 2002 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

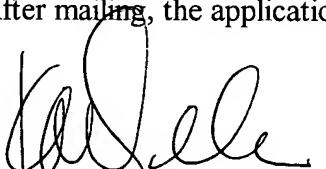
The petition under Manual of Patent Examination Procedure §708.02, VIII, must:

- (1) be filed prior to receiving any examination by the examiner,
- (2) be accompanied by the required fee- \$130,
- (3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
- (4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
- (5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
- (6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is patentable over the references.

The present request for reconsideration has ^{been} submitted with a postcard receipt that shows the missing prior art were received by Office with the original Petition filed August 15, 2002.

For these reasons, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. After mailing, the application will be forwarded to the examiner for immediate handling.


Krista Zele
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4701